

R277. Education, Administration.

R277-495. ~~[Required Policies for]~~ Electronic Devices in Public Schools.

R277-495-1~~[2]~~. Authority and Purpose.

~~[A. This rule is authorized by Utah Constitution Article X, Section 3 which vests general control and supervision of public education in the Board, by Subsection 53E-3-401(4) which allows the Board to adopt rules in accordance with its responsibilities, and Subsection 53G-8-202(2)(c)(i) directs the State Superintendent of Public Instruction to develop a conduct and discipline policy model for elementary and secondary public schools, and 47 CFR, Part 54, Children's Internet Protection Act, which requires schools and libraries that have computers with Internet access to certify they have Internet safety policies and technology protection measures in place in order to receive discounted internet access and services.~~

~~——— B. The purpose of this rule is to direct all LEAs or public schools to adopt policies, individually or collectively as school districts or consortia of charter schools, governing the possession and use of electronic devices, both LEA-owned and privately-owned, while on public school premises and, for LEA-owned devices, wherever the devices are used.]~~

(1) This rule is authorized by:

(a) Utah Constitution Article X, Section 3, which vests general control and supervision over public education in the Board;

(b) Subsection 53E-3-401(4), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law;

(c) Subsection 53G-8-202(2)(c)(i), which directs the Superintendent to develop a conduct and discipline policy model for elementary and secondary public schools; and

(d) 47 CFR, Part 54, Children's Internet Protection Act, which requires schools and libraries that have computers with internet access to certify they have internet safety policies and technology protection measures in place to receive discounted internet access and services.

(2) The purpose of this rule is to direct all LEAs and public schools to adopt policies, individually or collectively as school districts or consortia of charter schools, governing the possession and use of electronic devices including:

(a) both LEA-owned and privately-owned, while on public school premises or

during participation in school activities; and

(b) for LEA-owned devices, wherever the LEA-owned devices are used.

R277-495-2[4]. Definitions.

(1) "Acceptable use policy" means a document stipulating constraints and practices that a user shall accept prior to a user accessing an LEA's, or any school within an LEA's, network or the Internet.

~~[A. "Board" means the Utah State Board of Education.]~~

2[B.] "Electronic device" means a device that is used for audio, video, or text communication or any other type of computer or computer-like instrument including:

(a) a smart phone;

(b) a smart or electronic watch;

(c) a tablet; or

(d) a virtual reality device .

(3) "Guest" means an individual:

(a) who is not a student, employee, or designated volunteer of a public school; and

(b) who is on school property or at the site of a school-sponsored activity or event.

(4) "Inappropriate matter" means pornographic or indecent material as defined in Subsection 76-10-1253(1)(a).

~~(5)[C.] "LEA" includes [a local education agency, including local school boards/public school districts, charter schools, and,] for purposes of this rule, the Utah Schools for the Deaf and the Blind.~~

(6)[D.] "LEA-owned electronic device" means a[ny] device, including an electronic device, that is used for audio, video, text communication, or [any] other type of computer or computer-like instrument that is owned, provided, issued or lent by the LEA to a student or employee .

(7)[E.] "Privately-owned electronic device" means a[ny] device, including electronic devices, that is used for audio, video, text communication, or [any] other type of computer or computer-like instrument that is not owned or issued by the LEA to a student, or employee.

(8)[F.] "Public school" means a[ny] school[s] [and] or public school program[s], grades

kindergarten through 12, that ~~[are]~~ is part of the Utah p[P]ublic s[S]chool system, including a ~~[charter]~~ school~~[s,]~~ with a distance learning program[s, and] or alternative program[s].

(9)[G:] "Student," for purposes of this rule, means an[y] individual enrolled as a student at ~~[the]~~ an LEA regardless of the part-time nature of the enrollment or the age of the individual.

(10)[H:] (a) "The Children's Internet Protection Act (CIPA)" means federal regulations enacted by the Federal Communications Commission (FCC) and administrated by the Schools and Libraries Division of the FCC.

(b) CIPA and companion laws, the Neighborhood Children's Internet Protection Act (NCIPA) and the Protecting Children in the 21st Century Act, require recipients of federal technology funds to comply with certain Internet filtering and policy requirements.

~~[I. "USOE" means the Utah State Office of Education.]~~

(11)[J:] "Utah Education Telehealth Network or ~~[(f)'UETN']~~" ~~[is a robust network that connects most Utah LEAs, schools, and higher education institutions to quality educational resources and services consistent with Section 53B-17-102]~~ means the Utah Education and Telehealth Network created in Section 53B-17-105 .

R277-495-3. Requirement of Electronic Device Use Policy, Creation, and Access~~Local Board and Charter School Responsibilities.~~

(1)[A:] An LEA[s] shall require all schools under the~~[ir]~~ LEA's supervision to have a policy or policies for students, employees and, where appropriate, for guests~~[invitees]~~, governing the use of electronic devices on school premises and at school sponsored activities.

(2)[B:] An LEA[s] shall review and approve policies regularly.

(3)[C:] An LEA[s] shall encourage schools to involve teachers, parents, students, school employees, school community councils, and community members in developing the local policies ~~.; school community councils could provide helpful information and guidance within various school communities and neighborhoods.]~~

(4)[D:] An LEA[s] shall provide copies of ~~[their]~~ the LEA's policies or clear electronic links to policies at LEA offices, in schools and on the LEA's website in the same location as the LEA's data governance plan required in R277-487 .

(5)[E:] An LEA[s] and all schools within the LEA[s] shall ~~[work together]~~ cooperate to

ensure that all policies within a school or school district are consistent and accessible~~[understandable]~~ to ~~[for]~~ parents.

(6)~~[F.]~~ An LEA[s] shall provide reasonable public notice and at least one public hearing or meeting to address a proposed or revised acceptable use ~~[Internet safety]~~ policy.

(7) An LEA[s] shall retain documentation of the policy review and adoption actions.

R277-495-4. LEA Electronic Device Policy Requirements.

(1)~~[A.]~~ An LEA's~~[Local]~~ policy~~[ies]~~ shall ~~[address]~~include at least the following ~~[minimum components]~~:

(4a) definitions of electronic devices covered by policy;

(2b) prohibitions on the use of electronic devices in ways that:

(i) bully, humiliate, harass, or intimidate school-related individuals, including students, employees, and guests~~[invitees]~~, consistent with R277-609 and R277-613;~~[7]~~ or

(ii) violate local, state, or federal laws; ~~[and]~~

(3c) the prohibition of access by students, LEA employees and guests~~[invitees]~~ to inappropriate matter on the ~~[t]he~~internet and ~~[W]world~~ ~~[W]wide~~ ~~[W]web~~ while using LEA equipment, services, or connectivity whether on or off school property ~~[or while using school-owned or issued devices]~~;

(4e) directives on the safety and security of students when using social media ~~[electronic mail, chat rooms,]~~ and other forms of direct electronic communications ~~[(including instant messaging)]~~;

(5f) directives on unauthorized access, including hacking and other unlawful activities by LEA electronic device users; and

(6g) directives on unauthorized disclosure, use and dissemination of personal student information under R277-487 and the Family Educational Rights and Privacy Act (FERPA)~~[7]~~ 34 CFR, Part 99.

~~(2)[B. Additional requirements for student policies =]~~In addition to the ~~[provisions]~~requirements of [R277-495-4A]Subsection (1), an LEA's policies for student use of electronic devices shall include directives regarding the following:

~~(a[1]) [prohibitions against]~~ use of privately-owned electronic devices during

standardized assessments ~~[unless specifically allowed by statute, regulation, student IEP, or assessment directions];~~

(b[2]) ~~[provisions that inform students that there may be]~~ administrative and criminal penalties for misuse of electronic devices during school hours or a school-sponsored activity~~[and that local law enforcement officers may be notified if school employees believe that a student has misused an electronic device in violation of the law];~~

(c[3]) ~~[provisions that inform students that]~~ violations of an LEA's acceptable use policies that may result in confiscation of LEA-owned electronic devices or restricted access on the LEA's network ~~[which may result in missed assignments, inability to participate in required assessments, and possible loss of credit or academic grade consequences];~~

(d[4]) ~~[provisions that inform students that they are]~~ a student's personal[ly] responsibility~~[le]~~ for devices assigned or provided to ~~[them]~~ a student by the LEA, both for loss or damage of electronic devices and use of electronic devices consistent with the LEA's directives;

(e[5]) ~~[provisions that inform students and parents that]~~ use of electronic devices in violation of an LEA's or teacher's instructional policies may result in the confiscation of ~~[personal]~~ privately-owned electronic devices for a designated period; and

(f[6]) ~~[provisions that inform students that]~~ uses of privately-owned electronic devices to bully or harass other students or employees ~~[and result in disruption at]~~ during school hours or a school-sponsored activity[ies] that may result in the student being subject to LEA disciplinary action ~~[justify administrative penalties, including expulsion from school and notification to law enforcement].~~

(3)~~[C. Additional requirements for employee policies --]~~ In addition to the provisions of ~~[R277-495-4A]~~ Subsections (1) and (2), [policies] directives for employee use of electronic devices shall include:

(a[1]) notice that use of electronic devices to access inappropriate matter ~~[or pornographic images]~~ on LEA-owned electronic devices or privately-owned electronic devices ~~[school premises]~~ is illegal, may have both criminal and employment consequences, and where appropriate, may[shall] be reported to law enforcement;

(b[2]) notice that an employee[s are] is responsible for LEA-issued electronic devices

at all times and misuse of an electronic device[s] may have employment consequences, regardless of the user; and

~~[(3) notice that employees may use privately-owned electronic devices on school premises or at school sponsored activities when the employee has supervisory duties only as directed by the employing LEA; and]~~

(c[4]) required staff responsibilities in educating minors on appropriate online activities, as required by Section 53G-7-1202, and in supervising such activities.

~~(4)[D:] [Local]~~ An LEA's policies may also include the following:

(a[1]) prohibitions or restrictions on unauthorized use that would cause [audio recordings, capture of images, transmissions of recordings or images, or] invasions of reasonable expectations of student and employee privacy;

(b[2]) procedures to report the misuse of electronic devices; and

(c[3]) potential disciplinary actions toward students or employees ~~[or both]~~ for violation of local policies regarding the use of electronic devices; and

(d[4]) exceptions to the policy for special circumstances, health-related reasons and emergencies, if any. ~~[- and]~~

~~[(5) strategies for use of technology that enhance instruction.]~~

(5)[E:] An LEA shall certify annually through UETN, ~~[to the USOE]~~ and as required by the FCC, that the LEA has a CIPA-compliant acceptable use~~[Internet safety]~~ policy.

R277-495-5. Resources and Required Assurances~~[Board and USOE Responsibilities]~~.

(1)[A:] The Superintendent~~[Board and USOE shall]~~ may provide resources, upon request, for an LEA[s and public schools as they develop and update] regarding electronic device policies, including:

(a) sample acceptable use policies;

(b) general best practices for electronic device use as outlined in R277-922; and

(c) materials for digital citizenship as outlined in Section 53G-7-1202.~~[- including sources for successful policies, assistance with reviewing draft policies and amendments, and information about bullying, harassing, and discrimination via electronic devices consistent with R277-613.]~~

(2) An LEA shall post the LEA's electronic device use policy on the LEA's website and provide a link to the Board through the annual assurances document described in R277-108.

~~[B. The Board and USOE shall develop or provide a model policy or a policy framework to assist LEAs and public schools in developing and implementing their policies.~~

~~C. The Board and USOE shall promote the use of effective strategies to enhance instruction and professional development through technology.~~

~~D. The Board and USOE shall ensure that parents and school employees are involved in the development and implementation of policies.~~

~~E. The Board and USOE shall work and cooperate with other education entities, such as the PTA, the Utah School Boards Association, the Utah Education Association, the State Charter School Board and the Utah High School Activities Association to provide consistent information to parents and community members about electronic device policies and to provide for appropriate and consistent penalties for violation of policies, including violations that take place at public school extracurricular and athletic events.]~~

R277-495-6. LEA Requirement to Notify Parents of Filtering Options.

An LEA shall provide an annual notice to all parents of the location of information for in-home network filtering options as provided for in Section 76-10-1231 .

KEY: electronic device, policy

Date of Enactment or Last Substantive Amendment: April 7, 2014

Notice of Continuation: December 16, 2013

Authorizing, and Implemented, or Interpreted Law: Art X Sec 3; 53A-1-401(3);

53A-11-901[(2)(c)(i)]